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March 6, 2024

VIA ECF

Pamela K. Chen, U.S.D.J.
United States District Court Eastern District of New York
225 Cadman Plaza East, Courtroom 4F North
Brooklyn, NY 11201-1804

Re: IME WatchDog, Inc. v. Gelardi, et al.
Case No.: 1:22-cv-1032 (PKC) (JRC)
MLLG File No.: 25-2022

Dear Judge Chen:

This office, along with Sage Legal LLC, represents the Plaintiff IME WatchDog, Inc. (“Plaintiff”) in the above-referenced case. Plaintiff respectfully submits the instant letter¹ brief in support of its motion to hold defendants in contempt of Court, yet again, for continuing to serve customers on the Enjoined Customer List. Plaintiff respectfully requests that severe sanctions be issued against Defendants and that the Court address this motion at the March 13, 2024 hearing.

On March 10, 2023, this Court temporarily restrained Defendants from operating their business or any other business that unfairly competes with Plaintiff in violation of the law. See ECF Docket Entry [156](#). Following a hearing on March 27, 2023, this Court expanded its previously ordered preliminary injunction to preclude Defendants from serving any customers who were former customers of Plaintiff. See Text Only Order dated March 27, 2023 (emphasis added). On April 10, 2023, this Court authorized a notice to all of Plaintiff’s customers – the identities of which Defendants misappropriated – stating: “PLEASE BE ADVISED, that IME Companions, LLC, its managers, agents, and/or employees, have been enjoined by Order of Judge Pamela K. Chen, in *IME Watchdog, Inc. v. Gelardi* (22-cv-1032), from providing any services to you pending a further order of the Court.” See ECF Docket Entry [190](#). This Court authorized Plaintiff to send copies of the foregoing notice to the customers identified on the Enjoined Customers List. See Text Only Order dated April 7, 2023 (citing ECF Docket Entry 180-7, filed under seal).

On October 20, 2023, this Court found Defendants in contempt of its orders after Defendants, *inter alia*, directed a family friend to create Client Exam Services and serve Plaintiff’s customers to circumvent the Court’s TRO. Plaintiff has now discovered that, in addition to that violation, Defendants has also continued to directly serve Plaintiff’s customers.

¹ Plaintiff respectfully requests leave of this Court to submit the instant brief in letter form rather than a formal motion (as required by Local Civil Rule 7.1) in accordance with Rule 1 of the Federal Rules of Civil Procedure (hereinafter “Rules”), which requires that the Rules be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding. See Fed. R. Civ. P. 1 (emphasis added).

Indeed, on April 20, 2023, Kiera Cohen, a plaintiff in a personal injury case, in which she is represented by The Gucciardo Law Firm PLLC, a firm on the Enjoined Customer List², attended an independent medical examination (“IME”) with Dr. Jeffrey Richmond at which she was accompanied by Tiffany Uribe, an employee of Defendant IME Companions. (**Annexed hereto as Exhibit A is a copy of docket entry no. 22 in the action pending in the New York State Supreme Court, Nassau County, entitled Cohen v. Salvatore Micleotta, index no. 602851/2022 filed on May 4, 2023**). Notably, the April 20, 2023 IME report from Dr. Richmond states he performed an IME on Ms. Cohen on April 20, 2023 – after the Court’s Orders were issued – and further states “[s]he was accompanied in the examining room by Ms. Tiffany Uribe from ‘IME Companions.’” Id.

This establishes another blatant violation by Defendants of the Court’s clear and unequivocal orders prohibiting Defendants, and their employees and agents, from serving customers on the Enjoined Customer List.

Severe sanctions are warranted given the previous findings of contempt and Defendants’ attempt to sell their assets to prevent enforcement of the inevitable judgment against them. Given their repeated violations of this Court’s Orders and repeated perjury, Plaintiff respectfully requests that Defendants be ordered to show cause why they should not (1) be incarcerated; (2) be prohibited from permanently working in the IME industry in the United States; and (3) pay Plaintiff’s attorneys’ fees associated with this motion.

Plaintiff thanks this honorable Court for its time and attention to this case.

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

/s/ Jamie S. Felsen, Esq.

SAGE LEGAL LLC

/s/ Emanuel Kataev, Esq.

cc: All Counsel of Record (via ECF)

² See ECF Docket Entry 180-7, filed under seal.